

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Haataja, et al.	Examiner:	P. PALMER
Serial No.:	09/745,299	Group Art Unit:	2874
Filed:	December 20, 2000	Docket:	2316.868USC1
Title:	OPTICAL CABLE EXIT TROUGH		

Commissioner for Patents
Washington, D.C. 20231

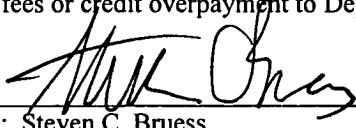
Sir: ○

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate
- ☒ Supplemental Information Disclosure Statement, Form 1449, 4 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Steven C. Bruess
Reg. No.: 34,130
SCB/SAH/kss



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S/N 09/745,299

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PATENT *arr*

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits, but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. A fee under 37 C.F.R. § 1.17(p) for consideration of a Supplemental Information Disclosure Statement was previously filed 4/8/02, so no further fee is believed due. If one is due, the fee can be charged to the below-noted Deposit Account.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided. See Exhibits G-J.

Exhibits G-I are from a lawsuit currently pending in the United States District Court for the District of Minnesota. Exhibit J is from another lawsuit currently pending in the United States District Court for the Eastern District of New York. One of the patents in both lawsuits is U.S. Patent No. 6,192,181 ("the '181 patent"), which issued from application

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09/354,594, which is a division of application 08/971,421. Another related patent in the New York lawsuit is U.S. Patent No. 5,937,131 ("the '131 patent"), which issued from the application 08/971,421. ADC Telecommunications is the assignee of the '181 and '131 patents, as well as the present application.

The cited documents include a "Memorandum Opinion and Order" (Exhibit G) issued by the district court judge construing claim language in the '181 patent. The '181 patent is discussed at pages 6-7 of Exhibit G. Also included is "Defendant's Prior Art List" (Exhibit H) which is the accused infringer's discussion of several references relative to the '181 patent (at pages 1-6). The references discussed in Exhibit H were recently disclosed to the patent office in the disclosure statement filed 10/31/01, with a further copy provided on 4/08/02. Exhibit I is a report by Mr. Eric R. Pearson, a witness for the accused infringer, in which Mr. Pearson discusses these same references relative to the '181 patent. Exhibit J are interrogatory responses from the accused infringer in the lawsuit pending in New York. Applicant has previously submitted to the Examiner all of the prior art identified in these interrogatory responses.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form

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1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account

No. 13-2725.

Respectfully submitted,

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Date

May 2, 2002

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